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U.S. Asks Appeals Court to Bar Files for DeLorean

By JUDITH CUMMINGS

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LOS ANGELES, Sept. 28 — Five days before John Z. DeLorean was scheduled to be tried on charges of trafficking in cocaine, Government lawyers asked an appeals court today to deny him access to documents from 51 Government agencies that a lower court had granted. They said such access could delay the trial from two to five months.

Federal District Judge Robert M. Takasugi had ordered the agencies to turn over their files on Mr. DeLorean

for possible use in his defense after his lawyers requested them under the Federal Freedom of Information Act.

The Government's appeal of the order was heard by a three-judge panel of the United States Court of Appeals for the Ninth Circuit. One of the three judges, Cecil F. Poole, said that the order, if allowed to stand, would clear a path for broad new use of the act by defendants in criminal cases. Mr. DeLorean's lawyers asked the court panel, sitting in San Francisco, to deny the prosecution's appeal.

The order provided for release of the documents to the district court without first requiring the defense to demonstrate the material's relevance. The material would be reviewed by Judge Takasugi to determine whether it was pertinent and should be turned over to the defense.

Trial Was Scheduled Tuesday

Mr. DeLorean's trial is set to open in Judge Takasugi's court on Tuesday. Mr. DeLorean, the former automobile maker, did not appear in court today.

The prosecution said that release of the documents could delay Mr. DeLo-

rean's trial for up to five months on charges that he was involved last year in a conspiracy to sell up to \$60 million in cocaine to raise money to save the sports car company he founded, DeLorean Motor Cars Ltd. in Northern Ireland.

Mr. DeLorean was arrested in Los Angeles last Oct. 19 by Federal drug agents. His automobile company was shut down the next day and placed in financial receivership by the British government. Mr. DeLorean, a former General Motors executive, has been free on \$5 million bond.

In court appearances, Howard Weitzman and Donald Re, the principal defense lawyers, have maintained that Mr. DeLorean was set up by the "outrageous governmental conduct" of undercover agents to make it appear as though he were dealing in cocaine. They said this entrapment extended to the use of a paid Government informer, James Timothy Hoffman, depicted as an intermediary who had drug contacts.

Lawyers Tell of Tapes

The prosecution has told the court it has taped records of Mr. DeLorean participating in the conspiracy, which will form a major part of its case. One of these, the Government lawyers said, is a videotape of Mr. DeLorean holding a bundle of cocaine in his lap and saying, "This is better than gold."

The defense has also asserted that the drug charges against Mr. DeLorean were the outgrowth of a plot by the Britain's Conservative Government to bring about his downfall, with the cooperation of the American authorities.

They said that despite Britain's critical interest as the principal financial investor in the automobile factory, the plant's "smooth" operation in the midst of Protestant-Catholic strife was somehow a "political embarrassment" to the Conservatives. The defense is seeking the United States Government documents to support this contention of a plot.